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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

In re JOSEPH B., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSEPH B.,

Defendant and Appellant.

A124237

(Solano County
Super. Ct. No. J36765)

The minor Joseph B. appeals from an order continuing him as a ward of the court and committing him for out-of-home placement. His counsel has asked this court to independently review the record to determine whether there are any arguable issues (*People v. Wende* (1979) 25 Cal.3d 436). After review of the record, we find no arguable issues and affirm.

I. PROCEDURAL AND FACTUAL BACKGROUND

The minor has an extensive juvenile history, dating back to 2006, when a petition was sustained against him for attempted robbery, and after several intervening petitions for alcohol and substance abuse, weapons possession, forgery, and assaultive conduct, a petition was sustained in December of 2008 for residential burglary. The very next month, the minor was observed prowling around a home on Daniel Street in Fairfield, looking into the living room window and reaching over the fence. A neighbor observed

the minor and contacted the police; she later identified the minor in an in-field identification procedure (although she was unable to do so at the jurisdictional hearing). A police officer located the minor less than a half mile away from the residence in question; he identified the minor in court as the person he stopped. After waiving his *Miranda* rights (*Miranda v. Arizona* (1966) 384 U.S. 436), the minor indicated that he was looking in the windows of the house on Daniel Street because he was looking for his friend “Cheesey” and thought his friend’s aunt lived somewhere in the area (although he was not sure where). He claimed to look over the fence to see what some dogs that he heard barking looked like. A pair of latex gloves was later found in the minor’s shoe.

The juvenile court sustained the allegations of misdemeanor prowling (Pen. Code § 647, subd. (h)) and a probation violation (Welf. & Inst. Code, § 777, subd. (a)(2)); the additional charges of possession of burglar’s tools (Pen. Code § 466) and attempted burglary (Pen. Code §§ 459, 664) were not sustained. The minor was continued as a ward of the court and ordered placed out of home, at the New Foundations program. This timely appeal followed.

II. DISCUSSION

The minor was represented by counsel and received a fair hearing. Substantial evidence supports the juvenile court’s findings as to the allegations of the petition. There was no error in the disposition. There are no meritorious issues to be argued on appeal.

III. DISPOSITION

The orders declaring the minor to continue as a ward of the court and for out-of-home placement are affirmed.

Sepulveda, J.

We concur:

Reardon, Acting P.J.

Rivera, J.